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| Resolution No.: | <u>18-963</u> |
| Introduced: | <u>October 3, 2017</u> |
| Adopted: | <u>November 14, 2017</u> |

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Approval of Declaration of No Further Need: Disposition of Germantown Town Center Urban Park, Germantown, Maryland

Background

1. Montgomery County Code §11B-45 requires the Council to approve a Declaration of No Further Need before the County Executive can dispose of real property that has more than nominal value. Prior to seeking Council approval of a Declaration of No Further Need, the Executive must:
 - (a) submit all material terms of the proposed disposition and any appraisal the Executive relied on in setting the property's market value to the Council; and
 - (b) publish a declaration in the County Register and post a notice on the County website that the County has no further need for the property.

The Council must act on the Declaration of No Further Need within 60 days of receiving the Declaration or it is automatically approved. The Council may extend the 60-day deadline by resolution if the Council President has informed the Executive, within 30 days of receiving the proposed action, that the Council has not received all information necessary to review the proposed action.

If the Council, by resolution, approves the Executive's Declaration of No Further Need, the Executive may dispose of the property for fair market value. The Council may waive the requirement for a full market value disposition.

2. On June 21, 2017, the Executive submitted a summary of the material terms for the disposition of the Germantown Town Center Urban Park. The County will convey a fee simple interest in the 4.4-acre property to the Maryland-National Capital Park and Planning Commission (Commission) in exchange for a 1.5-acre portion of the North Chevy Chase Local Park. The portion of North Chevy Chase Local Park that will be acquired is needed to implement the Capital Improvement Project (CIP) that will extend Platt Ridge Drive beyond its current terminus. The Council did not have any questions or comments regarding the material terms.

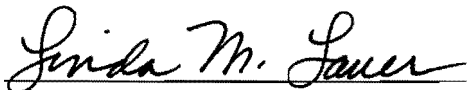
3. The disposition was advertised on the County Register for thirty (30) days beginning on June 21, 2017. During that time, no comments or questions were received from the public.
4. On September 25, 2017, the Council received Executive Order 097-17, Declaration of No Further Need for the Disposition of Germantown Town Center Urban Park. In his transmittal, the County Executive stated that the sale is for less than fair market value. Executive Order 097-17 states that encumbrances affecting the use of the Germantown Town Center Urban Park preclude a sale for fair market value.
5. On October 17, 2017, the Council held a public hearing on this disposition.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The Declaration of No Further Need contained in Executive Order 097-17, Material Terms for Disposition of Germantown Town Center Urban Park. The Executive may dispose of the property in the manner described in Executive Order 097-17 and consistent with the material terms as described in his June 21, 2017 memorandum. The Council hereby waives the requirement that the property must be disposed of in a fair market value exchange.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council